

**TOWN OF DAVIE
REGULAR MEETING
FEBRUARY 4, 2004**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:00 p.m. and was followed by the pledge of allegiance led by Boy Scout Troop 118.

Mayor Truex called for a moment of silence in honor and memory of Davie Police Officer, Curt Mancini, who died recently in Afghanistan.

2. ROLL CALL

Present were Mayor Truex, Vice-Mayor Starkey, Councilmembers Crowley, Hubert and Paul. Also present were Town Administrator Willi, Town Attorney Kiar, and Assistant Town Clerk McDaniel recording the meeting.

3. OPEN PUBLIC MEETING

Mayor Truex advised of the rules for the Open Public Meeting.

Philip Busey, 837 SW 120 Way, spoke about what life was like when he first moved to Davie in earlier years. He stated that he currently saw too much construction and very little green space in the Town. Mr. Busey felt Davie needed a stable economic base and competent leadership. He voiced his support for Mitch Topal for Council.

Barbara Spiece, 3111 Peachtree Circle, spoke in favor of Vice-Mayor Starkey. She was proud and appreciative of her hard work for the Town over the years.

Art Waganheim, 14922 SW 33 Street, stated that he had researched the Town's parks, schools, shopping areas and government, before making the decision to move to Davie. He indicated that he was disappointed at the level of negativity residents displayed toward members of Council at meetings. Mr. Waganheim spoke in favor of Vice-Mayor Starkey's work for the Town and praised Councilmember Crowley for his expertise and hard work. In addition, he supported Sandra Amaya and urged the community to give her candidacy serious consideration.

David Denzel, representing of the Davie Kiwanis Club, announced the upcoming Annual Pancake Breakfast on February 28.

Patti Reid, 9625 Sycamore Court, spoke in favor of Vice-Mayor Starkey and described several community activities they had participated in together. She indicated that she did not consider Vice-Mayor Starkey as a politician, but as a woman of honesty and integrity who wished the best for her community.

Kerry Waldee, 13450 SW 40 Street, gave Council credit for their hard work and urged residents of District 4 to support Councilmember Paul. He spoke in favor of her efforts and her commitment to maintaining open space throughout the Town. Mr. Waldee felt that if residents did not vote, they should not complain.

John Stevens, 45 Matador Lane, thanked Council for the leadership, integrity, honesty and dedication each member showed the residents of Davie. He felt the Town was at a crossroads where financial responsibility, responsible growth and maintaining open space issues were concerned. Mr. Stevens spoke in support of Vice-Mayor Starkey and praised Councilmember Crowley for his efforts for residents in his neighborhood. He further spoke in support of District 4 candidate, Sandra Amaya.

Pat Grimson, 15150 SW 27 Street, felt he was fortunate to have Councilmember Paul as her district's voice on the Council. She spoke about Councilmember Paul's work to preserve open space areas. Ms. Grimson thanked Councilmember Paul and Councilmember Crowley for helping her neighborhood with bad drainage issues.

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Jill Cohen, 10800 SW 30 Place, discussed recent construction on land behind her home which subjected her neighborhood to months of endless dust, and which interrupted quality of family life in her area. She indicated that after researching the Town's Code, she was disappointed to learn that it allowed very little protection of residents' quality of life once construction began. Ms. Cohen asked Council to consider quality of life for residents and make much needed changes to the Code, including a Monday to Friday only work week for developers. She further asked that allowable work hours end at 5:00 p.m.

Mayor Truex felt this was reasonable and asked Mr. Willi to look into this. Mr. Willi indicated this could simply be a matter of a Code change.

Vice-Mayor Starkey indicated that some developers' agreements had certain restrictions on hours and weekend work. She felt the Town should continue putting restrictions into developers' agreements before approval.

Councilmember Paul spoke in relation to developers' agreements about truck traffic and was sympathetic to Ms. Cohen's points. She wanted Council to look into Code improvements and to talk with some developers to discuss arrangements that would bring some relief to residents.

Vice-Mayor Starkey spoke about a recent visit to the job site at Math Igler Grove where a truck skidded and ran into the backyard of a resident's home, wiping out shrubbery. She requested limiting the speed limits during construction time to at least 25-30 mph, specifically on Hiatus Road and 26th Street. Mayor Truex asked staff to return before Council with options.

Sharon DiAngelo, 1561 SW 119 Terrace, spoke of a conversation she had with her child, who recently asked about trees marked for removal and the fate of animals once trees were removed. She wanted Council to realize that its decisions also affected children, who would find some decisions difficult to understand. Ms. DiAngelo referred to previous times when she spoke before Council against development, and indicated that on those occasions, she "was made to feel like she was a bad person" for her views. She spoke in support of Mitch Topal for District 3 and for Councilmember Paul for District 4.

Michael Davenport, 14041 SW 22 Place, endorsed Councilmember Crowley, Vice-Mayor Starkey and Councilmember Paul. He spoke about a recent meeting he had attended where residents were asked for input on how they wanted to see remaining parcels in Davie developed. Mr. Davenport recapped his comments made at the meeting, which were in favor of developing low-intensity use of an office park, with large setbacks not abutting residences, separated by bodies of water and green areas. He wanted Council to consider this type of development if suitable parcels could be found in the future.

Kathy Tibbets, 2730 Hiatus Road, spoke about continuous requests to have a dump cleaned up in her daughter's neighborhood and her frequent complaints about trucks going by on her street. She showed Council a photo of herself with a bruise she suffered when a rock from a passing truck hit her. Ms. Tibbets felt it was irresponsible that trucks did not cover their loads and added that she had not seen anything constructive done for her family; however, Councilmember Paul had been wonderful to her. She advised that she had gone to the land use meeting to ask questions about schools and power plants, but that she had received no answers. Ms. Tibbets asked Vice-Mayor Starkey to provide a reason why she should vote for her.

Vice-Mayor Starkey asked Mr. Willi if staff could get the necessary party that regulated trucks to come out and check weights and balances, and trucks going in and out of sites. Mr. Willi advised that the Florida Department of Transportation (FDOT) regulated this and sometimes did safety checks on the roadways. He indicated that the Engineering and the Police Departments had spent numerous hours checking trucks and doing traffic enforcement. Mr. Willi stated that he had observed some trucking operations on Hiatus Road the previous week.

Vice-Mayor Starkey stated she did not want residents who complained about construction to leave with the impression that the construction they saw in place now was done by the current Council,

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as four members were new. She advised that some developments, such as Riverstone and the GL Homes parcels, were granted approval three to four years ago, before the current Council took office. Vice-Mayor Starkey felt it was important to try to resolve these matters now.

Councilmember Paul felt a number of the construction situations were the result of legal settlements and advised that it was difficult for Council to solve every construction problem which arose. She pointed out that the current Council had voted on several projects that had brought more development to the Town and indicated that Council would make every effort to resolve construction problems which ensued as a result. Councilmember Paul apologized to Ms. Cohen and other residents struggling with these concerns.

Claudette Bonville, 11872 SW 42 Court, criticized Vice-Mayor Starkey and stated that Vice-Mayor Starkey had sent several negative emails to residents with regard to voting issues and other Councilmembers. She indicated that these emails had been under investigation for months by different law enforcement agencies and stated that she hoped the investigation would continue.

Vice-Mayor Starkey stated she had never sent any of the emails mentioned by Ms. Bonville.

Richard Weiner, 10244 SW 18 Street, spoke about heightened terrorism concerns nationwide and his views about the future of America. He stated that America needed leaders and asked Democratic voters to consider General Wesley K. Clark in the November elections. Mr. Weiner felt residents should enjoy dissent and not attack each other.

Lorraine Hofheinz, 3102 Peachtree Circle, complimented Council for its work and spoke in favor of Vice-Mayor Starkey.

George Wetzler, 12430 SW 11 Court, offered condolences to the Davie Police Department. He spoke about other cities which had gone to Broward County for police and fire services and asked if Davie was looking into what was available.

Barbara Ann Tilley, 1941 SW 87 Avenue, thanked Council for cooperating with residents on projects and improvements completed in Park City Estates.

Marcia Joseph, 13700 SW 18 Court, spoke about the Davie Commons development opening in the City of Weston area in 2007. She voiced her concern about the Town's politics and asked why the Weston was touting this complex, when it had nothing to do with Davie's development.

Arthur Joseph, 13700 SW 18 Court, felt that when residents spoke before Council with dissenting opinions, they were viewed in a negative way. He pointed out that it was because residents were outspoken that "they hadn't been stabbed in the back by government." Mr. Joseph criticized Councilmembers for their political leanings.

Marie Kaplan, 5721 SW 54 Court, voiced her concern about meetings arranged between Councilmember Hubert and District 1 residents that had not unfolded as residents wished.

Sandra Amaya, 5661 Thornbluff Avenue, announced her candidacy for District 4. She indicated she would represent the community to the best of her ability with integrity and honesty.

Martin Kiar, 13431 SW 16 Court, announced his candidacy for State House District 97. He indicated that he supported public education, open space, better health care and transportation for seniors and the protection of natural resources.

Andrew Feldman, 155 Lakeview Drive, spoke in support of Ms. Amaya. He spoke with reference to criticism about Ms. Amaya's age. Mr. Feldman stated that she was ready for the position, would not be intimidated and would represent the Town with great ideas.

Lauren Dellapenta, 12900 SW 13 Manor, was concerned with decisions made by the current Council. She voiced her support for Mitch Topal and stated that she and other residents wanted to be listened to and respected by Council. Ms. Dellapenta wanted the Town to consider hiring a full-time

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attorney, as some residents felt they were being nickel-and-dimed under the current system. She did not support the Davie Commons project as she felt the impact on Davie residents would be affected by traffic. Ms. Dellapenta asked that the Sheridan House issue be re-addressed, as she felt there would be a loss to the Town in impact fees and permitting fees.

Norm Blanco, 2080 SW 72 Avenue, read a letter he was sending to the editor of The Miami-Herald, voicing his concerns with regard to Vice-Mayor Starkey's request for verbatim transcripts of the January Council meeting, and with respect to Mayor Truex' decisions on Sheridan House.

Mitch Topal, 12720 SW 13 Manor, indicated that when elected, public input and financial accountability would be a top priority. He urged residents to make an informed choice when voting.

Carly Casey-Hattan, indicated that she was running for District 2 Council seat. She asked that residents south of Stirling Road be represented on Council.

Mayor Truex invited Councilmember comments in response to residents' concerns.

Councilmember Hubert announced that Jessica and Omi Riviera were hosting a Valentine's Day party at PAL.

Mayor Truex indicated that he was not in favor of public safety being taken over by the Sheriff's Office. He advised that the document Ms. Joseph had was not from Davie Commons but was actually a marketing tool being used by a developer who felt the complex would be a big boon to the Weston area. Mayor Truex stated that he had spoken with the developer connected with Davie Commons, who indicated he had nothing to do with any literature promoting the complex. He referred to a letter he received from Bill Laystrom which confirmed that there were no plans to connect Davie Commons to Shotgun Road. With regard to Mr. Blanco's comments, Mayor Truex advised that his campaign manager had never been in trouble with the law. Regarding Sheridan House fees, Mayor Truex stated that Sheridan House had sent a letter asking for fees to be waived, but advised that no decision had been made to waive any fees.

Vice-Mayor Starkey thanked her supporters who had backed her over the many years. She stated that she and her opponent had both signed a campaign ethics code and advised that her campaign would not send out anything negative. With reference to the e-mails mentioned by Ms. Bonville, Vice-Mayor Starkey advised that she had not written any of them and stated that she did not sign documents unless they had her name on them. She announced that the Town had recently acquired Math Iglar Grove property and advised that the old convenience store at 26th Street and Hiatus Road would be used for a future park location. In reference to the airport expansion, Vice-Mayor Starkey indicated that she had attended task force and joint effort meetings with other cities, and advised that the Broward County Commission had agreed to update the master plan. She invited residents to call her with any questions and comments at any time.

Councilmember Paul stated she was surprised when Ms. Bonville brought forward the e-mail situation. She indicated she had received some e-mails and had accepted them quietly, as she felt they were a freedom of speech issue. Councilmember Paul stated that the e-mails were malicious and hurtful as they maligned her and other residents. She hoped the ongoing investigations would reveal who sent them and what their motivations were.

In relation to Davie Commons, Councilmember Paul advised that it did exist and was being built. She felt that residents' lifestyles would be affected, regardless of where the access road would eventually be located. Regarding pioneer family names on streets, Councilmember Paul requested that Mr. Willi consider restoring these signs back to the streets as promised. Councilmember Paul gave an update on a meeting she attended earlier in the week with School Board Member Rubinstein and members of staff regarding the emergency access road from Pine Island Road. She advised that

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discussions regarding Imagination Farms Middle School and Indian Ridge Middle School were fruitful. Councilmember Paul further summarized various traffic improvements approved by the School Board which were currently in progress.

Mr. Kiar spoke in response to Sheridan House's request for exemption to the Town's development fees. He advised that under Town Resolution R-82-122, only religious institutions were granted such exemptions. Mr. Kiar advised that this disqualified Sheridan House from exemption, which could not prove itself to be a religious institution.

Mayor Truex requested to add item 4.16 to the Consent Agenda.

Vice-Mayor Starkey made a motion, seconded by Councilmember Paul, to add item 4.16. In a voice vote, all voted in favor. (Motion carried 5-0)

4. APPROVAL OF CONSENT AGENDA

Minutes

4.1. November 19, 2003 (Regular Meeting)

Proclamation

4.2. National Engineers Week (February 22 - 28, 2004)

Home Occupational License

4.3. Engineering Resources Group, Inc., 2625 SW 132 Way

Resolutions

4.4. **PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING
R-2004-24 THE PLAT KNOWN AS MCDONOUGH PROPERTY AND AUTHORIZING THE
MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY
AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT;
AND PROVIDING AN EFFECTIVE DATE. (P 12-1-01, McDonough Property, 4300
SW 59 Avenue) (tabled from January 21, 2004)

4.5. **EXPRESSING SUPPORT** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2004-25 FLORIDA EXPRESSING SUPPORT FOR REVISIONS TO BROWARD COUNTY'S
EVALUATION AND APPRAISAL REPORT AND SUBSEQUENT CHANGES TO
THE BROWARD COUNTY LAND USE PLAN, AS OUTLINED IN THE
ATTACHED EXHIBIT "A," TO PROTECT THE ABILITY TO REDEVELOP AND
THE HOME RULE AUTHORITY OF MUNICIPALITIES IN BROWARD COUNTY;
PROVIDING FOR DISTRIBUTION OF RESOLUTION; PROVIDING FOR AN
EFFECTIVE DATE. (tabled from January 21, 2004)

4.6. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2004-26 AUTHORIZING THE APPLICATION FOR A GRANT FROM THE EMERGENCY
MANAGEMENT, PREPAREDNESS AND ASSISTANCE TRUST FUND FOR A
MOBILE GENERATOR; AND AUTHORIZING ACCEPTANCE AND EXECUTION
OF THE GRANT IF AWARDED. (\$50,000 grant - no matching funds required)

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- 4.7. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2004-27 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE PALMS AND THE TOWN OF DAVIE POLICE DEPARTMENT FOR TRAFFIC CONTROL.
- 4.8. **AVERAGE PURCHASE PRICE LIMITS** - A RESOLUTION OF THE TOWN OF
R-2004-28 DAVIE, FLORIDA, ADOPTING THE FY 2003/04 AVERAGE PURCHASE PRICE LIMITS AS ESTABLISHED BY THE FLORIDA HOUSING FINANCE CORPORATION (FHFC) FOR THE STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM AND RELATED AFFORDABLE HOUSING PROGRAMS; AND, PROVIDING FOR AN EFFECTIVE DATE.
- 4.9. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2004-29 AUTHORIZING THE MAYOR TO EXECUTE THE CDBG SUB-RECIPIENT GRANT AGREEMENT WITH THE HOPE OUTREACH, INC., TO PROVIDE SOCIAL SERVICES/ EMERGENCY ASSISTANCE TO DAVIE'S LOWER-INCOME FAMILIES AND INDIVIDUALS.
- 4.10 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING
R-2004-30 THE CITY OF MIAMI BID NO. 56-01/02 TO PURCHASE VEHICLE EMERGENCY LIGHTING AND RELATED EQUIPMENT FROM LAW ENFORCEMENT SUPPLY COMPANY, INC. (\$92,942.44)
- 4.11. **EAST-WEST TRANSIT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA SUPPORTING THE PROPOSED CENTRAL BROWARD EAST WEST TRANSIT SUNRISE BOULEVARD-BROWARD BOULEVARD "A" ALIGNMENT ALTERNATIVE or the I-595-STATE ROAD 84 ALIGNMENT ALTERNATIVE WITH EQUAL BURDEN OF TRANSIT STATIONS BETWEEN THE TOWN OF DAVIE AND THE CITY OF PLANTATION.
- 4.12. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA
R-2004-31 AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, UNIVERSITY ASSOCIATES, LTD., AND NOVA SOUTHEASTERN UNIVERSITY TO RECOGNIZE THE NSU DESIGN GUIDELINES AS THE GUIDING DOCUMENT FOR THE DEVELOPMENT OF THE NSU CAMPUS CONSISTENT WITH THE RAC-AV ZONING DISTRICT; AND TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (DA 1-1-04, Nova Southeastern University, 3301 College Avenue)

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- 4.13. **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA**
R-2004-23 AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY, DAVID MARGOLIS, STANLEY SPIELMAN, AND THE BIG ORANGE DEVELOPMENT, LTD., FOR IMPROVEMENTS TO BE MADE AT NOVA DRIVE AND UNIVERSITY DRIVE; AND, THE INSTALLATION OF VIDEO DETECTION DEVICES AT VARIOUS LOCATIONS THROUGHOUT THE TOWN; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (DA 1-2-04, Spielman Margolis Replat, 7921 SW 45 Street (improvements at various locations throughout the Town))
- 4.14. **COUNTY ORDINANCE AMENDMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA: IN SUPPORT OF PROPOSED BROWARD COUNTY ORDINANCE AMENDING CHAPTER 31½, "TAXATION", BY CREATING A NEW SUBSECTION 2, REDUCTION IN ASSESSMENT FOR LIVING QUARTERS OF PARENTS OR GRANDPARENTS," TO PROVIDE FOR A REDUCTION IN THE ASSESSED VALUE OF HOMESTEAD PROPERTY, WHICH RESULTS FROM THE CONSTRUCTION OR RECONSTRUCTION OF THE PROPERTY FOR THE PURPOSES OF PROVIDING LIVING QUARTERS FOR ONE OR MORE NATURAL OR ADOPTIVE PARENTS OR GRANDPARENTS OF THE OWNER OF THE OWNER'S SPOUSE, AS AUTHORIZED BY LAW; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Site Plan

- 4.15. MSP 2-1-03, Indian Ridge Commerce Center, 10220 SW 101 Road (B-3) (tabled from January 21, 2004) *Site Plan Committee recommended approval subject to the homeowner's association documents being provided to staff in order to review common maintenance and shared parking*
- 4.16. A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, OPPOSING THE
R-2004-32 BROWARD COUNTY COMMISSIONS CHOICE OF FORT LAUDERDALE-HOLLYWOOD INTERNATIONAL AIRPORT EXPANSION ALTERNATIVES, QUESTIONING THE METHODOLOGY JUSTIFYING AIRPORT EXPANSION NEEDS, RESOLVING TO WORK WITH MUNICIPAL NEIGHBORS AND ENVIRONMENTAL PARTNERS TO SEEK ALTERNATIVES TO AIRPORT EXPANSION AND REQUESTING MITIGATION OF EXISTING AND ESCALATING DETRIMENTAL AIRPORT IMPACTS.

Councilmember Hubert requested to remove items 4.5, 4.7, 4.10, 4.11, 4.12 and 4.14 from the Consent Agenda. Vice-Mayor Starkey request that item 4.16 be removed. Dick Coker requested that item 4.4 be removed.

Vice-Mayor Starkey made a motion, seconded by Councilmember Paul, to approve the Consent Agenda without items 4.4, 4.5, 4.7, 4.10, 4.11, 4.12, 4.14 and 4.16. In a voice vote, all voted in favor. (Motion carried 5-0)

5. DISCUSSION OF CONSENT AGENDA ITEMS

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4.4 Dick Coker, representing the petitioner, spoke about a problem with item three of staff recommendations, requiring dedication of a 25-foot right-of-way. He believed this right-of-way would interfere with the applicant's plan to use this area for industrial purposes. Mr. Coker advised that the Planning and Zoning Board had voted to recommend approval of the plat without this dedication. He requested that Council approve the plat without the dedication of the right-of-way, as he felt it would do nothing to benefit the Town and would reduce available parking space for the property owner.

Larry Peters, Town Engineer, stated that public health and safety in the area was currently compromised by limited access to emergency vehicles posed by lack of roadways and through-streets. He advised that the Town needed the 25 additional feet to connect SW 42 Place and SW 43 Street, as fire trucks could not turn around where three dead-end streets were located.

Mr. Coker indicated that the applicant had no access onto the right of way and that the emergency access would not impact the property owner.

Councilmember Crowley asked Mr. Peters if there was a continuous right-of-way in the area. Mr. Peters replied that the Town had 25 feet on the east side, but had nothing on the west side.

Councilmember Hubert agreed that there was a public safety concern with regard to the fire truck access. Mr. Peters stated the issue was not access to the applicant's property but to create connectivity where the dead-end streets met.

Andre Parke, Town counsel, indicated that he did not believe there was any formula or standard set but believed that if the Town could show the benefit of a dedicated right-of-way, it was a good basis for the request.

Councilmember Hubert asked if it was possible to defer this request so Council could physically go to the area and look at the site. Councilmember Crowley indicated he would be willing to table this item to discuss the issue further with the applicant.

Vice-Mayor Starkey indicated she agreed with staff's recommendations on this item.

Councilmember Paul voiced her concern about safety issues and felt the connectivity issue was important.

Councilmember Paul made a motion, seconded by Councilmember Hubert, to approve based on a 180-foot linear foot right-of-way as described by Mr. Peters. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 5-0)

4.5 Councilmember Hubert asked for further explanation on this item.

Susan Trevarthen indicated she and David Orshefsky had been working on this item with staff and a coalition of six municipalities, including the Town. She explained that the document before Council involved a set of positions related to the County Evaluation and Appraisal Report (EAR), which was a blueprint for future changes to the County's Comprehensive Plan. Ms. Trevarthen indicated that the County was moving toward a general theme which included countywide design guidelines for cities, but stated that she was working with the Town and other cities to preserve their original theme. She indicated that representatives from the coalition of cities had made specific recommendations, via consensus, with regard to future population and growth, solutions regarding coastal areas and mixed use categories. Ms. Trevarthen advised that the resolution framed this position statement and asked that Council endorse the policy statement.

Mayor Truex did not want to get involved with this issue and stated that one of the biggest problems the County faced was too many people. He felt this document was a reaction to the County's making it more difficult to get land use changes approved.

Councilmember Paul discussed the impact this resolution would have. She felt it was a double-edged sword and questioned what the EAR would improve or maintain what the Town was already

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doing for Griffin Road corridor, the CRA district and the RAC. Ms. Trevarthen deferred to staff for a more detailed response, but indicated her personal response would be nothing, as the EAR document was only a blueprint that set forth future direction for the County Commission. She advised that the Commission would later draft more detailed amendments to the Comprehensive Plan in order to implement this direction. Ms. Trevarthen further indicated that another concern was that the County had proposed to go back and take existing RAC's and impose new criteria on them after the fact. She reminded Council that the State-mandated comprehensive planning system was fairly unique.

Mayor Truex stated that not every municipality was as conscious as Davie about trying to prevent over development. He also voiced his concern about lack of regional oversight.

Development Services Director Mark Kutney indicated that one reason why there appeared to be a lack of regionalism in South Florida was because there were two regional planning councils. He did not feel Council should sit under the illusion of a second layer or feel it had to surrender some of its sovereignty.

Mayor Truex was more concerned about what another municipality might do that could impact the Town. He felt this presented another pressure and was concerned that in the future, people would figure out a way to build beyond established limits.

Councilmember Paul asked if the request was for Council to put a stamp of approval on the EAR since other communities might move forward on this item as a league. Ms. Trevarthen indicated that the Broward League of Cities had received a presentation on this item in January 2004, and was considering whether to endorse it as a league position. She advised that the resolution was being considered by Fort Lauderdale, Tamarac, Margate, Lauderdale Lakes, among others. Ms. Trevarthen indicated that there would be further activity on this by other cities.

Mayor Truex asked if other cities wanted more development beyond what the county would allow them to do. Ms. Trevarthen did not believe so and stated that the document reflected what the other cities agreed on. She explained that other cities wanted control of their destinies as there was no guarantee who would be on the County Commission in the future.

Mr. Kutney referred to a presentation he made before Council in November 2003. He felt that by breaking down artificial boundaries the County had imposed, the Town could take flex units allocated for western areas and make projects in the east, without jumping over hurdles.

Councilmember Paul asked if the EAR would assist the CRA and the Griffin Road corridor.

Mayor Truex was not in favor of flex units but felt if that was the goal, the County Commission should be asked to realign flex units. Vice-Mayor Starkey understood Mayor Truex' concerns but did not think that when the coalition began exploring the home rule theory with the County, their intent was for increased density. She stated that some of the municipal leaders at the League of Cities meetings had consistently said they were looking to take more control over their own destinies. Vice-Mayor Starkey wondered if there was any way to put in some language that would give comfort to Council with regard to its specific concerns.

Mr. Orshefsky stated that Council's concerns were shared by all municipalities and the County. He indicated that policy statements presented were neutral with regard to growth and densities. Mr. Orshefsky advised that the statements simply said that municipally elected officials should be the people who made decisions.

Mayor Truex asked if those municipalities that were denying requests would try to impose more development on the County Commission. Mr. Orshefsky indicated he had never seen such a situation. Mayor Truex stated that the County was not forcing the municipalities to develop, but felt that without the second layer of protection, certain municipalities that were bent on development would find it easier to do so, which would ultimately affect Davie in the future. Ms. Trevarthen felt this was a fair characterization of the past three or four years in the County but did not feel it had been the case forever.

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She felt the County Commission had changed in its character over time and indicated it was the County Commission that put flex units in to begin with. Ms. Trevarthen felt it was difficult to generalize what the dynamics would be in the future. She asserted that the principle underlying this document was that Davie residents knew what was appropriate for themselves.

Mayor Truex felt regional oversight was necessary for certain things. Ms. Trevarthen reasserted that this statement was about land use planning decisions. Mayor Truex felt there was a good blend when there was municipal, regional and county input.

Councilmember Paul asked if this document dealt with the flex units. Ms. Trevarthen indicated that it dealt with flex units and projected population growth. Councilmember Paul asked if “by approving this, Council was giving an OK to no longer having any county input on any land use matters.” Ms. Trevarthen indicated in the negative and stated it had to do with the level of detail. Councilmember Paul stated that she was still interested in seeing additional protection from the county on land use change amendments. Ms. Trevarthen advised that this presumed the continued existence of the current system and provided the municipal view on the changes being made within that system. Councilmember Paul appreciated the positions which included mechanisms to preserve open space.

Councilmember Crowley asked if the CRA had reviewed this item. Mr. Willi indicated he was not aware that CRA was directly involved. Mr. Kutney advised that only he and Mr. Leiva had been involved so far. Vice-Mayor Starkey believed Community Redevelopment Administrator Will Allen had had some input.

Councilmember Paul asked if there was a time element involved. Ms. Trevarthen indicated there was a Planning Council meeting on the February 19, and a County Commission vote on February 20. She advised there was a state imposed deadline.

Mr. Orshefsky indicated that coalition members felt additional municipal discretion was needed in redevelopment areas. He advised that some policy statements regarding mixed use designations were intended to support redevelopment efforts whether they met within the CRA or not.

Mayor Truex asked who would have to approve this item for it to become law. Ms. Trevarthen indicated that a year from now, the County Commission would have to adopt specific comprehensive plan amendments that implemented this blueprint. She advised that she had interaction with CRA’s of other cities.

Councilmember Crowley wanted to have the CRA input. Mr. Willi submitted that staff was aware of the CRA position the document contained nothing that would go against the CRA. He advised Council to recognize that this document reflected an opinion of the Town and other cities, and was not binding upon the County Commission. Mr. Willi pointed out that Davie residents were the ones who ended up paying the “freight” for additional county oversight processes.

Mr. Kutney indicated that timing was crucial as anything that impacted the Town from the county level would have to be factored into current planning.

Councilmember Crowley made a motion, seconded by Councilmember Hubert, to approve. In a voice vote, all voted in favor with Mayor Truex dissenting. (Motion passed 4-1)

4.7 Councilmember Paul indicated that Council had been getting numerous requests from communities for the police to govern private roads. She asked if the Town received any fees for this. Chief John George indicated that this document gave the police the authority to act under the law to govern private communities.

Councilmember Hubert asked if the police were paid for this service. Chief George advised that this was paid for in taxes.

Councilmember Paul made a motion, seconded by Councilmember Hubert, to approve. In a voice vote, all voted in favor. (Motion passed 5-0)

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4.10 Chief George advised of a scrivener's error and indicated the word "beach" should be inserted to reflect City of Miami Beach.

Councilmember Hubert asked how many light bars were being purchased. Chief George advised that light bars were bought for every new car purchased. He advised that he asked that the purchase of light bars be included in the master resolution budget at the beginning of each year.

Mayor Truex asked if the same equipment was available from other sources. Chief George advised there were other sources, but other cities used this source because of low prices.

Councilmember Paul made a motion, seconded by Councilmember Hubert, to approve subject to making corrections to reflect City of Miami Beach where appropriate. In a voice vote, all voted in favor with Mayor Truex dissenting. (Motion passed 4-1)

4.11 Scott Seeburger, representing the FDOT, summarized the background of this item and its importance to the MPO. He explained the process and advised that he would be appearing before the MPO with a decision on preferred alignment and possibly technology. Following this decision, FDOT would look at how to pay for the different systems being examined. Mr. Seeburger further advised that after this stage, the FDOT would define implementation measures.

Mayor Truex asked if only one alternative would be built. Mr. Seeburger indicated possibly not and spoke about concerns such as high costs, traffic issues generated by stations, and noise. He indicated that a study committee had been formed, comprising of local and County representatives as well as representatives from private organizations.

Councilmember Paul reminded Council that they had several options including denying alternatives or identifying alternatives they wished to support. She felt Council should make other statements based on what Davie was currently experiencing with the airport issue. Councilmember wanted any resolution from the outset to protect residents by discussing mitigation such as sound walls.

Councilmember Hubert asked if FDOT was taking land from Davie residents to implement this system along I-595. Mr. Seeburger indicated in the affirmative, but did not know how much land.

Councilmember Hubert stated that normally there was no mitigation for mobile homes. Mr. Seeburger advised that this fell into a different category.

Mayor Truex asked if land would be taken for stations. Mr. Seeburger advised that the illustrations were only for modeling purposes at the moment, and believed there were better areas more compatible for stations.

Vice-Mayor Starkey indicated that she generally felt this was a good idea based on the Regional Transport Authority workshops. She stated that her only reservation was the areas sited as hubs for transit and parking. Vice-Mayor Starkey was not in favor of some areas identified and hoped that the illustrated areas were not identified. At the same time, she also felt some areas would be very functional and have less impact on residents. Vice-Mayor Starkey hoped the workshops would include the public and cautioned Mr. Seeburger not to go full speed ahead on this as Council did not want residential areas negatively impacted. She asked that the burden be shared and advised that dialog with Mayor Armstrong and the Commissioners in Plantation indicated they were receptive of a particular site they wanted on their side. Vice-Mayor Starkey hoped the system would not be too close to any home.

Mayor Truex wanted the line to go along I-595 but did not like some of the wording. Councilmember Paul wanted Council to go over the resolution and add some language specific to their concerns.

Mayor Truex asked Council if each member agreed that they wanted to incur this on the I-595 corridor. Councilmember Hubert indicated she agreed as long as it did not affect residents who lived there.

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Councilmember Crowley indicated that he was against Options 1 and 2. He felt the transit should be taken away from I-595 and be placed through Plantation as this would take some impact off I-595. Councilmember Crowley believed the project would tear up the I-595 corridor and make it much worse than it currently was. Mr. Seeburger indicated that the numbers did not show that Options 3 and 4 would decrease traffic on I-595.

Councilmember Crowley stated that he did not see where stations could be built and did not support the I-595 option. Mr. Seeburger advised that he had had discussions with the City of Plantation officials, who recently indicated they could see a benefit to their business development and had located a potential site for a station.

Councilmember Hubert asked if the system would create jobs for Davie residents and provide tax revenue. Vice-Mayor Starkey described stations that offered coffee shops and small retailers which commuters could take advantage of while waiting for trains. Mr. Seeburger indicated this system would be similar to the Tri Rail system.

Mayor Truex felt several places in the County were undrivable and it was needed for the future.

Councilmember Paul asked if it were true that this was not yet funded. Mr. Seeburger responded in the affirmative. Councilmember Paul asked if this should be funded, where FDOT thought this would fall. Mr. Seeburger indicated this would be a long way off.

Councilmembers further reviewed and discussed the options illustrated.

Councilmember Hubert made a motion to approve Option 1, subject to providing sound walls and not taking away from residents' homes. Councilmember Paul suggested changing the motion to give Council time to work on additions and changes to the resolution to address their specific concerns. Councilmember Hubert withdrew the motion.

Council further discussed various issues and alignment options illustrated.

Mayor Truex asked if Council was directing staff to choose Option 1, with the different protections discussed. Councilmembers indicated in the affirmative.

Councilmember Paul made a motion, seconded by Councilmember Hubert, to table this item until February 18, 2004. In a voice vote, all voted in favor with Councilmember Crowley dissenting. (Motion carried 4-1)

4.12 Councilmember Hubert thanked the developer, which provided more affordable housing than she had requested.

Mayor Truex asked staff if the height was included in the resolution. Councilmember Crowley indicated the height was mentioned in Item 8.

Vice-Mayor Starkey thanked Dr. Hanbury and Nova Southeastern University (NSU) for giving a presentation to the residents of Rolling Hills Estates the previous evening.

Vice-Mayor Starkey indicated that with the line-of-sight perspective provided, it was easier to finally get a truer perception of the building height and its relation to the community. She stated that the majority of residents had been comfortable with the presentation and appearance of the complex.

Dr. Hanbury, Executive Vice-President of NSU, provided an explanation and display model to help provide Council with a visual perspective.

Mayor Truex asked Dr. Hanbury if Council could discuss both item 4.12 and 6.2 together. Dr. Hanbury agreed.

Dr. Hanbury summarized the merits of the academical village complex for the community. He indicated that NSU saw the opportunity to create a quality village where people of all categories and incomes could benefit from the academic, professional, medical and recreational uses it would provide. Dr. Hanbury described the architectural features that would bring visual appeal to the project.

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Kona Grey indicated that he had driven through the Rolling Hills community to get perspective from the ground. He also explained the line-of-sight illustrations presented and pointed out that higher buildings were pushed to the back in order to preserve the quaint, tucked-in, village feel.

Dr. Hanbury explained the taxable areas. Councilmember Hubert asked where the Town would be generating its tax base. Mr. Grey indicated the appropriate areas on the visuals. He advised various measures taken to comply with Council's wishes and felt the complex would provide a public service second to none in the county.

Councilmember Hubert asked how much money would be generated back to the Town. Dr. Hanbury advised that the project would generate more than 20% of the tax base today. He indicated the entire project would generate more than \$2 million a year directly to the Town and over \$12 million a year to the County.

Mayor Truex opened the public hearing portion of the meeting.

Louie Dimitrelos, owner of Geronimo's Grill, felt the complex was good for the Town and asked if, when the rezoning went through, it would apply to businesses in his area. Mayor Truex indicated it would apply to everyone in that area.

Councilmember Crowley asked Mr. Dimitrelos what he would do in the meantime while building was going on. Mr. Dimitrelos was unsure.

Rose Ellen Glickman, a Rolling Hills homeowner, indicated that the response of her community was very positive. She felt the height of buildings was well addressed and that it did not seem to be much of a concern to the residents. Ms. Glickman was pleased that there was opportunity for resident input as the project progressed.

Mayor Truex closed the public hearing on this item.

Councilmember Paul made a motion, seconded by Councilmember Hubert, to approve.

Mayor Truex felt this project was an urban, rather than a village, plan and voiced his concerns about the height, intensity, and future transportation problems. He felt this project would set the standard for future projects of similar height and intensity. Mayor Truex stated that beyond that, he was pleased with the complex. Dr. Hanbury disagreed and felt there was sufficient justification for the building height.

Vice-Mayor Starkey pointed out that the plan was preliminary and would be developed in phases. She felt a preliminary approval would be helpful in moving the process forward and reminded Council that there would be other opportunities to address concerns as the project progressed.

Mr. Kiar suggested voting on item 6.2 before voting on item 4.12.

Councilmember Paul rescinded the motion on item 4.12.

Assistant Town Clerk McDaniel read the ordinance for item 6.2.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Paul made a motion, seconded by Councilmember Hubert, to approve item 6.2. In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 4-1)

Councilmember Paul made a motion, seconded by Councilmember Hubert, to approve item 4.12. In a voice vote, all voted in favor with Mayor Truex dissenting. (Motion carried 4-1)

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4.14 Councilmember Hubert asked who was allowed to build quarters for grandparents or in-laws on their property. Mr. Willi indicated that anyone with property that was capable of having an addition built was eligible for this exemption.

Mayor Truex asked if they would still have to independently meet zoning criteria. Mr. Willi responded in the affirmative. Mayor Truex asked what the impact on taxes would be. Mr. Willi advised that the exemption would be in effect from the day of adoption forward and that the Town would not lose any existing tax bases that exist. He pointed out that the Town ran a future risk of never realizing the tax base that should come from those types of improvements. Mr. Willi stated that staff had concerns about how this would be enforced and felt some kind of accountability was needed.

Vice-Mayor Starkey agreed that accountability and verification were an issue, especially, if grandparents passed away and residents continued to receive the exemption. She felt this could result in residents making additions that may not be easy to control.

Mr. Willi indicated that another concern could arise when residents sold their homes after adding on in-law quarters. He felt this could open the door for new property owners to consider such homes as two-family properties or single-family properties with rental units. Vice-Mayor Starkey agreed and pointed out that while it was admirable for families to help their in-laws and older relatives, this item addressed single family communities. She felt that this practice added more density and that building whole, separate living quarters was a potential for future problems.

Councilmember Crowley asked if Council denied this, would the County still have the right to approve it. Mr. Willi advised that the County had the right to do this countywide, but did not have the right to make it happen in Davie. He advised that the County had sent the Town a letter asking for Council's input, which staff had prepared as a resolution. Mr. Willi suggested that if Council was not in favor of this, he recommended withdrawing the resolution and he would send a letter to the County indicating Council's comments.

Councilmember Paul made a motion, seconded by Vice-Mayor Starkey, to recommend withdrawal of the resolution.

Mayor Truex asked if Council believed this should be reviewed further. Mr. Willi advised that the County seemed to be fast tracking this issue. Vice-Mayor Starkey stated that as she understood it, the County was going to implement this to allow municipalities to choose. She did not feel Council could move further on this item without a complete fiscal analysis of how this would impact the Town's income. Mr. Willi indicated there was no data helpful in projecting fiscal impacts.

In a voice vote, all voted in favor. (Motion carried 5-0)

4.16 Vice-Mayor Starkey explained the resolution and summarized results of workshops held on the impacts of airport expansion. She advised that Council felt the airport capacity had expanded to a point where mitigation efforts were currently needed to address existing problems, in addition to future noise and pollution concerns which would arise from expansion.

Councilmember Paul felt the resolution should include the fiscal impact to reflect monies the Town had expended for ad campaigns and consultant services. She pointed out Section 3, which indicated the Town resolved to partner with other cities in coordinating further studies, and which might indicate more spending. Mr. Willi indicated that based on Council's direction, one resolution had been prepared to reflect the Town's position as it currently stood, while another was to be prepared to reflect upcoming actions and strategies such as spending projections.

Vice-Mayor Starkey agreed that the Council would like to keep some kind of tally on the Town's efforts and how much they were costing along the way. She asked Council if a ballpark amount should be earmarked. Mayor Truex indicated that that step would depend on what Mr. Willi proposed.

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Councilmember Paul wanted to add more specifics to the resolution to reflect the Council's position about flight tracking, removing planes from residential areas, flight restrictions, funding for mitigation efforts, among other issues. She also suggested including language to reflect that "Council would support increases in either passenger or airport fees to provide for noise mitigation in all impacted areas - including existing conditions."

Councilmember Paul asked for clarification on whether the County Commission actually made the decision on December 9, 2003, "to proceed with airport expansion plans regardless of the negative impacts" and not only a decision to review the feasibility of a second runway. Vice-Mayor Starkey explained that the County definitely required another EIS process. Councilmember Paul indicated that she wanted to be sure the wording of the resolution accurately reflected the County Commission's decision. She asked that the resolution include the non-conforming residential properties in industrial and commercial areas on the east side. Councilmember Paul indicated that Section 5 would then be changed to Section 9 of the resolution, inclusive of her recommendations. She requested that the Town contact Plantation, the FAA and the federal delegation in Washington D.C. to inform them of the Town's position.

Vice-Mayor Starkey recommended that no reference be included with regard to the Town having "partnerships with specific organizations". Councilmember Paul asked that the language "such as the Sierra Club" be removed from Section 3 because the partnership was with other cities, not with organizations. Vice-Mayor Starkey stated the wording could remain in Section 5, which involved sending the resolution to other parties, but should be removed from Section 3.

Mayor Truex pointed out that the resolution reflected what Council had decided at the airport workshop meeting. He felt the point was to express that the Town was against what was on the table. Mayor Truex did not wish to get into details such as flight tracking, as the Town had been told that flight tracking was wishful thinking and not enforceable. Vice-Mayor Starkey stated this was not true. She advised that information had been presented at the workshop meeting which indicated that some communities were able to implement flight tracking to keep flights away from specific residential communities. Vice-Mayor Starkey explained that this was why she wished for it to be strongly recommended in the resolution. Mayor Truex was not in favor of flight tracking as it simply tracked flights away from one area and over another. Vice-Mayor Starkey pointed out that the flight tracks had been changed recently to fly over more residences in the Town. Mayor Truex stated he wished to keep things simple.

Councilmember Paul indicated these recommendations could be done to relieve impacts being felt presently. Vice-Mayor Starkey stated that the recommendations were premised based on the existing conditions.

Councilmember Paul made a motion, seconded by Vice-Mayor Starkey, to approve subject to the following changes: 1) adding a new section 5, 6, 7, 8; 2) changing Section 5 to Section 9; 3) deleting "the Sierra Club" from the fifth Whereas in Section 3, and 4) adding to Section 9, that the resolution be sent to the Pine Island Ridge community, per Mayor Truex' recommendation. In a voice vote, all voted in favor. (Motion carried 5-0)

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6. PUBLIC HEARING

Ordinances - Second and Final Reading

- 6.1. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,
2004-5 APPROVING REZONING PETITION ZB 2-2-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT (BROWARD COUNTY) TO B-3, PLANNED BUSINESS CENTER DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 2-2-03, Indian Ridge Commerce Center, 10220 SW 101 Road) (tabled from December 17, 2003) *Planning and Zoning Board recommended approval* {**Approved on First Reading January 21 2004 - all voted in favor with Councilmember Hubert being absent**}

Assistant Town Clerk McDaniel read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Vice-Mayor Starkey spoke against the ordinance as she felt warehouse buildings should be classified as industrial and not B-3.

Councilmember Crowley made a motion, seconded by Mayor Truex, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - no; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion passed 4-1)

- 6.2. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,
2004-6 APPROVING REZONING PETITION ZB 1-1-04, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM CF, COMMUNITY FACILITIES AND B-3, PLANNED BUSINESS CENTER DISTRICT TO RAC-AV, REGIONAL ACTIVITY CENTER – ACADEMICAL VILLAGE; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 1-1-04, Nova Southeastern University, 3301 College Avenue) *Planning and Zoning Board recommended approval* {**Approved on First Reading January 21 2004 - all voted in favor with Mayor Truex dissenting and Councilmember Hubert being absent**}

This item was approved earlier in the meeting.

Ordinance - First Reading (Second and Final Reading to be held February 18, 2004)

- 6.3. **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,
AMENDING ORDINANCE NO. 2002-38; CORRECTING SECTION 12-32 ENTITLED “TABLE OF PERMITTED USES” SPECIFICALLY REVISING MORTUARY USE AS A CONDITIONALLY PERMITTED USE IN THE RO ZONING DISTRICT; AND AMENDING SECTION 12-34 ENTITLED “STANDARDS ENUMERATED” TO PROVIDE FOR DETAILED USE REGULATIONS REGARDING VIEWING SERVICES FOR MORTUARY USES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Assistant Town Clerk McDaniel read the ordinance by title. Mayor Truex announced a public hearing would be held on this item February 18, 2004.

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Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Vice-Mayor Starkey mentioned concerns about banks being included in this category. Mr. Kutney explained that the previous ordinance restricted all mortuaries because of the potential of having many people coming through the RO district. He advised that the ordinance corrected this error. Vice-Mayor Starkey asked if the Town was recommending including mortuaries without viewing services. She was not in favor of having a mortuary in a residential office area, without compelling reasons to do so.

Mayor Truex recommended leaving the ordinance as it was as there was no viewing. He indicated that this was a conditional use issue that had to be approved by Council.

Vice-Mayor Starkey made a motion, seconded by Councilmember Crowley, to deny. In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 4-1)

Mr. Kutney explained that the ordinance was a corrective ordinance. Vice-Mayor Starkey indicated that if Mr. Kutney could find the appropriate use where the Town had mortuaries now, Council could address the item at another time.

Councilmember Paul asked if, rather than denying the whole ordinance, Council should simply say no to mortuaries in RO's. Vice-Mayor Starkey pointed out that a new ordinance would be needed since the ordinance by title discussed residential office. Mr. Willi advised the change was substantial enough to require a new ordinance.

Mr. Willi asked to clarify that Council had a problem with the mortuary use in the RO district.

Quasi Judicial Items

6.4. **VARIANCE** - V 11-1-03, Gonzalez, 10825 SW 15 Place (PRD-5) (to reduce the minimum rear setback from 5 to 2.5 feet for an existing pool deck)

Mr. Kiar read the rules of evidence and swore in the witnesses

Planning and Zoning Manager Fernando Leiva read the planning report.

Eddie Gonzalez, the applicant, explained the request and showed Council some photographs of the rear of his property where there was a park. Mr. Kiar introduced the photographs into evidence.

Mr. Kiar asked Mr. Gonzalez if he wished to have a letter from his homeowner's association introduced into evidence. Mr. Gonzalez responded in the affirmative. He advised that the letter indicated his homeowner's association did not have a problem with him building the pool deck.

Mr. Kiar opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Vice-Mayor Starkey advised that she had spoken to Mr. Gonzalez and indicated that this was an existing condition that needed correction.

Vice-Mayor Starkey made a motion, seconded by Mayor Truex, to approve.

Councilmember Crowley asked who owned the park in the back. Mr. Gonzalez indicated that it was owned by the homeowners' association.

Mayor Truex asked if there was a way to penalize the contractor so the resident would not be penalized. Mr. Willi indicated that there were surveyor requirements and that the surveyor did have a bond. Mayor Truex felt there should be a way to allow the resident to keep the pool but penalize the contractor.

In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion passed 5-0)

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- 6.5. **SPECIAL PERMIT** - SE 11-1-03, Paigo/Blackhawk Reserve, 15191 SW 15 Place (R-1) (to allow a modular building to be used as a temporary real estate sales office for 18 months)

Mr. Kiar read the rules of evidence and swore in the witnesses

Mr. Leiva read the planning report.

Mr. Kiar opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Paul made a motion, seconded by Councilmember Crowley, to approve.

In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion passed 5-0)

7. APPOINTMENTS

- 7.1. Airport Advisory Board (one exclusive appointment - Councilmember Hubert; term expires December 2004)

No appointment was made.

- 7.2. Child Safety Board (one exclusive appointment - Vice-Mayor Starkey and Mayor Truex; term expires April 2004) (whenever possible, members shall have interest and expertise in law enforcement, elementary school instruction, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointments were made.

- 7.3. Community Relations Advisory Board (one exclusive appointment - Councilmember Paul; term expires April 2004)

Councilmember Paul appointed Pat Cardello to the CRA Board.

- 7.4. Senior Citizen Advisory Board (two exclusive appointments - Mayor Truex; terms expire April 2004) (members shall be a minimum 60 years of age)

No appointments were made.

- 7.5. Police Pension Board (Don Barfield as elected by the Police Pension Board)

Councilmember Crowley made a motion, seconded by Councilmember Hubert, to approve. In a voice vote, all voted in favor. (Motion passed 5-0)

8. OLD BUSINESS

- 8.1. SE 3-1-99, Cassidy/FMC Telecommunications, Inc., 6045 SW 45 Street (B-2) (applicant is seeking second 18-month extension)

Councilmember Crowley made a motion, seconded by Councilmember Hubert, to approve. In a voice vote, all voted in favor. (Motion passed 5-0)

9. NEW BUSINESS

10. MAYOR/COUNCILMEMBER'S COMMENTS

Comments were made earlier in the meeting.

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11. TOWN ADMINISTRATOR'S COMMENTS

Mr. Willi felt the Police Department had done a great job on Officer Mancini's memorial service earlier in the morning.

12. TOWN ATTORNEY'S COMMENTS

Mr. Kiar repeated Mr. Willi's sentiments on the loss of Officer Mancini.

Councilmember Crowley asked if there was an update on the mulch compost issue brought up earlier in the meeting. Mr. Kiar indicated that the property owner's attorney had asked Council to view the property and he, Vice-Mayor Starkey, Mr. Stallone, and Code Compliance Officers had visited the site. He stated that no proposal from the applicant was in the works and advised that the Town was moving ahead to ask the court to schedule completion.

Vice-Mayor Starkey advised that Dennis Deveaugh had requested the opportunity to lease some of the Town's 115 open space acres as short term relief to house his cattle. She asked Mr. Willi if the Town could look into giving preference to residents with regard to short term housing of cattle, in keeping with the Town's rural lifestyle initiative goals.

13. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 12:25 p.m.

Approved _____

Mayor/Councilmember

Town Clerk

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